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Le site officiel de l'administration française

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# Dispute with the Administration: referenced reserve

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Are you in dispute with the administration about the payment of a sum of money? You can request an advance on debt via the procedure of the referenced provision. You must take a lawyer to apply. If your application is accepted, the Administrative Court will grant you a reserve and fix the amount. If your application is rejected, you can appeal within 15 days to the Administrative Court of Appeal.

## What's that about?

The interim provision is an accelerated procedure that allows you to quickly obtain an advance payment on an amount owed by an administration (State department, municipality, public institution, etc.).

You are not obliged to bring a proceeding before the Administrative Court to obtain a judgement on the merits of the case, in parallel with the interim.

### Please note

Unlike other referees, urgency is not a mandatory condition for requesting a contingency.

## Terms

To make an interim provision, your debt should not be disputed by the administration and you must have received a negative response to your payment request.

## Assistance of a lawyer

You have to take a lawyer to make a request for interim provision.

## How do I apply?

The request shall be in the form of a query.

You must specify the following:

- Subject matter of the application (specifying the nature and amount of the claim)
- Statement of Facts
- Arguments to support your claim

Your lawyer must use the app Remedies (<https://www.telerecours.fr/>) to forward your request to the court concerned.

## Cost

The application to court is free of charge.

But you have to pay your lawyer's fees, knowing that you can ask the court to order the administration to pay you a portion.

You can also make a request for [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en). This assistance may be granted if you meet the conditions. The award decision takes into account the amount of your income and the value of your assets.

## Application review

The judge shall first examine whether the query is acceptable.

## Your request is declared admissible

If your application is declared admissible, the court will consider its merits in deciding whether to accept or reject it.

### If your request is accepted

The judge grants you the allowance and sets the amount. It notifies its decision to the persons concerned.

#### Please note

The judge may ask you to provide a financial guarantee before making the provision. For example, the freezing of a sum of money in the Caisse des Dépôts et Consignations. This allows the court to be sure that the administration can recover the allowance in case you have to repay it.

### If your request is denied

[appeal \(https://www.service-public.fr/particuliers/vosdroits/F2494?You lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2494?You%20lang=en)

decision in **15 days** following its notification.

If the Administrative Court of Appeal also rejects your application, [appeal \(https://www.service-public.fr/particuliers/vosdroits/F2496?alang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2496?alang=en) may be brought before the Council of State within **15 days** after notification of rejection.

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## Your request is declared inadmissible

If your application is declared inadmissible, it will be rejected on that ground.

[appeal \(https://www.service-public.fr/particuliers/vosdroits/F2494?You lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2494?You%20lang=en)

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### Statute and miscellaneous references

Code of Administrative Justice: items R421-1 to R421-7 ([http://www.legifrance.gouv.fr/affichCode.do?](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136478&cidTexte=LEGITEXT000006070933)

- [idSectionTA=LEGISCTA000006136478&cidTexte=LEGITEXT000006070933](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136478&cidTexte=LEGITEXT000006070933))
- Prior Decision of the Administration (Article R421-1)

Code of Administrative Justice: items R541-1 to R541-6

- [https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006070933/LEGISCTA000006150463/#LEGISCTA000006150463](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070933/LEGISCTA000006150463/#LEGISCTA000006150463))
- Provision

### FAQ

Does the proceedings in question exist before the Administrative Court? (<https://www.service-public.fr/particuliers/vosdroits/F2548?lang=en>)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/F2548?lang=en))

How do I enforce a decision of the administrative judge? (<https://www.service-public.fr/particuliers/vosdroits/F2497?lang=en>)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/F2497?lang=en))

### Additional topics

Administration Disputes: administrative appeal, rights defender (<https://www.service-public.fr/particuliers/vosdroits/N20312?lang=en>)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/N20312?lang=en))
- Service-Public.fr

Conduct of a trial before the Administrative Court (<https://www.service-public.fr/particuliers/vosdroits/F2479?lang=en>)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/F2479?lang=en))
- Service-Public.fr

- Citizen telemetry ([https://www.conseil-etat.fr/Media/contenu-froid/documents/fiches-pratiques-de-la-ja/fiche\\_13\\_trc\\_web](https://www.conseil-etat.fr/Media/contenu-froid/documents/fiches-pratiques-de-la-ja/fiche_13_trc_web))
- Council of State

Teleappeal - proceedings before administrative courts

- (<https://www.telerecours.fr/>)
- Council of State

In what situations is the use of a lawyer mandatory? (<http://www.conseil-etat.fr/Conseil-d-Etat/Demarches-Procdures/L-avocat-et-l-aide-juridictionnelle/Dans-quelles-situations-le-recours-a-un-avocat-est-il-obligatoire>)

- [juridictionnelle/Dans-quelles-situations-le-recours-a-un-avocat-est-il-obligatoire](http://www.conseil-etat.fr/Conseil-d-Etat/Demarches-Procdures/L-avocat-et-l-aide-juridictionnelle/Dans-quelles-situations-le-recours-a-un-avocat-est-il-obligatoire))
- Council of State